

# **EXHIBIT 4**

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<p style="text-align: right;">173</p> <p>1 pages 26 through 27. There you state, "I adopt the</p> <p>2 prior art citations from Lawson's interrogatories,</p> <p>3 but I do not necessarily adopt the opinions</p> <p>4 expressed in the interrogatories concerning which</p> <p>5 claims are invalid in light of which references."</p> <p>6 Do you see that?</p> <p>7 <b>A Yes.</b></p> <p>8 Q So you disagreed with some of the Lawson</p> <p>9 attorneys' contentions --</p> <p>10 <b>A Yes.</b></p> <p>11 Q -- with respect to the prior art?</p> <p>12 <b>A Yes, I did, and where I disagreed, I mean I</b></p> <p>13 <b>indicated that, and my opinion, at least with</b></p> <p>14 <b>respect to my opinion supersedes what was in the</b></p> <p>15 <b>interrogatories.</b></p> <p>16 Q For what specific prior art references did</p> <p>17 you disagree with Lawson's attorneys' contentions?</p> <p>18 <b>A I don't recall. We can go through the</b></p> <p>19 <b>spreadsheet and see where they say it's invalid and</b></p> <p>20 <b>-- or they say this element is present and I didn't</b></p> <p>21 <b>find it, we should be able to tell.</b></p> <p>22 Q Can you refer to paragraph 105 on page 27?</p>	<p style="text-align: right;">175</p> <p>1 in this case?</p> <p>2 <b>A No. I think I've -- I think I testified</b></p> <p>3 <b>that I haven't talked to anybody in the world about</b></p> <p>4 <b>this case other than counsel.</b></p> <p>5 Q So -- let's see. So is it true then that</p> <p>6 the only persons that you've spoken to about the</p> <p>7 accused Lawson systems are the accused infringer's</p> <p>8 lawyers; is that correct?</p> <p>9 <b>A Yes.</b></p> <p>10 Q How could any of these systems that you</p> <p>11 rely on that you indicate predate 1994 be considered</p> <p>12 suitable noninfringing alternative technologies for</p> <p>13 Lawson's current systems?</p> <p>14 <b>A Well, because -- let's suppose a prior art</b></p> <p>15 <b>reference is raised for invalidity purposes and it</b></p> <p>16 <b>fails. Well, if it fails, then the claims of the</b></p> <p>17 <b>patent don't read on it; therefore, it's a</b></p> <p>18 <b>noninfringing alternative, and if it were adopted by</b></p> <p>19 <b>Lawson, then it would convert the infringing system</b></p> <p>20 <b>into a noninfringing one.</b></p> <p>21 Q Do you know of any Lawson customer that</p> <p>22 would agree to allow Lawson to replace its version 9</p>
<p style="text-align: right;">174</p> <p>1 <b>A Yes.</b></p> <p>2 Q There you state that, "Although the</p> <p>3 identified art is cited herein as relevant to</p> <p>4 invalidity, the fact that these systems existed in</p> <p>5 the prior art may well be relevant to the case in</p> <p>6 other ways. For example, the existence of</p> <p>7 non-infringing alternatives may be relevant to</p> <p>8 damages. I do not opine on these other potential</p> <p>9 grounds for relevance, but understand my analysis of</p> <p>10 the prior art may be used for other purposes."</p> <p>11 What have the attorn- -- attorneys told you</p> <p>12 with respect to how your invalidity opinions may be</p> <p>13 used for other purposes?</p> <p>14 <b>A I don't think that they've told me anything</b></p> <p>15 <b>specifically, but -- but it often occurs in patent</b></p> <p>16 <b>cases where there will be a damages expert and a</b></p> <p>17 <b>damages expert will want to base a damages theory or</b></p> <p>18 <b>damages calculation on something that the technical</b></p> <p>19 <b>expert has opined to, and I would accept that might</b></p> <p>20 <b>happen, but I -- I don't think I've been instructed</b></p> <p>21 <b>specifically that it will.</b></p> <p>22 Q Have you talked to Lawson's damages expert</p>	<p style="text-align: right;">176</p> <p>1 Lawson system with a pre-1994 system?</p> <p>2 <b>A Well, I don't think I'm talking about</b></p> <p>3 <b>wholesale replacement with a pre-1994 system. I'm</b></p> <p>4 <b>talking about replacing allegedly -- all Lawson</b></p> <p>5 <b>would have to do is replace one allegedly infringing</b></p> <p>6 <b>element with a noninfringing element to avoid</b></p> <p>7 <b>infringement, and it's possible that such elements</b></p> <p>8 <b>may exist.</b></p> <p>9 Q Well, you, sir, as a computer scientist,</p> <p>10 would you be willing now in 2010 to replace your</p> <p>11 2010 system with a system that predates 1994?</p> <p>12 <b>A But that's exactly what I said I wasn't</b></p> <p>13 <b>offering an opinion to. What I said was not to</b></p> <p>14 <b>replace the entire Lawson version 9 system with some</b></p> <p>15 <b>pre-1994 system, but to replace a single allegedly</b></p> <p>16 <b>infringing element with a pre-1994 element that</b></p> <p>17 <b>performed a similar function. There's plenty of</b></p> <p>18 <b>software that I use every day that was written long</b></p> <p>19 <b>before 1994. Not everything becomes obsolete.</b></p> <p>20 Q Do you know of any Lawson customer who</p> <p>21 would be willing to replace a graphical user</p> <p>22 interface with a green screen?</p>

<p style="text-align: right;">177</p> <p>1 MS. STOLL-DEBELL: Objection, form.</p> <p>2 THE WITNESS: I -- I -- I don't -- I don't</p> <p>3 suppose I do know, but I never said -- I never</p> <p>4 suggested that that was a possibility.</p> <p>5 BY MS. ALBERT:</p> <p>6 Q Do you know of any Lawson customer who</p> <p>7 would be willing to replace a system with keyword</p> <p>8 search functionality for one without?</p> <p>9 A Well, we can go on all day and you can list</p> <p>10 elements that are not in the asserted claims. Maybe</p> <p>11 we want to concentrate on the stuff that's in the</p> <p>12 asserted claims. No, I -- if -- if keyword -- if</p> <p>13 keyword search -- I -- with respect to noninfringing</p> <p>14 alternatives, they have to be commercially</p> <p>15 acceptable, and so there -- whatever the proposed</p> <p>16 replacement would be, one would have to do an</p> <p>17 investigation of whether it was commercially</p> <p>18 acceptable to do it. There are some substitutions I</p> <p>19 can imagine would be and some I imagine would be</p> <p>20 ludicrous and wouldn't be.</p> <p>21 Q Do you know -- do you know if Lawson has</p> <p>22 performed any investigation relating to whether any</p>	<p style="text-align: right;">179</p> <p>1 anticipation opinions.</p> <p>2 A I confirm that.</p> <p>3 Q And nor have you opined that these systems</p> <p>4 render any of the asserted claims obvious when</p> <p>5 combined with any of the systems cited in your chart</p> <p>6 on pages 25 through 26; is that correct?</p> <p>7 A Not expressly. I haven't made any express</p> <p>8 obviousness combinations that include the art</p> <p>9 discussed in paragraphs 107 to 116. On the other</p> <p>10 hand, that wouldn't preclude a KSR argument.</p> <p>11 Q What do you mean by a KSR argument?</p> <p>12 A Well, after KSR when the Supreme Court</p> <p>13 found that express teachings to combine were not</p> <p>14 necessary and that the -- they looked more</p> <p>15 perceptively at what would be within the skill of</p> <p>16 one of ordinary skill in the art, looking at the</p> <p>17 progress of the prior art and its apparent</p> <p>18 direction, reducing certain design choices to a</p> <p>19 small finite number of choices, et cetera, all</p> <p>20 result in obvious inventions as opposed to in</p> <p>21 earlier days they might not have been regarded as</p> <p>22 obvious.</p>
<p style="text-align: right;">178</p> <p>1 of the prior art systems that you've listed in your</p> <p>2 report would be commercially acceptable alternatives</p> <p>3 to the Lawson version 9.0 systems?</p> <p>4 A I don't know that.</p> <p>5 Q Lawson no longer provides maintenance and</p> <p>6 support for version 6.0 of its procurement software,</p> <p>7 does it?</p> <p>8 A I don't -- I don't know one way or another.</p> <p>9 Q How much would it cost Lawson to replace</p> <p>10 its customers' 9.0 systems with 6.0 systems?</p> <p>11 A I -- I haven't even begun to think about</p> <p>12 that. Never came up.</p> <p>13 Q Can you refer to paragraphs 107 through 116</p> <p>14 of your report?</p> <p>15 A Yes.</p> <p>16 Q In those paragraphs you describe at some</p> <p>17 length some systems that were used by AHSC and</p> <p>18 Baxter Healthcare at various time periods; is that</p> <p>19 accurate?</p> <p>20 A Yes.</p> <p>21 Q Confirm for me that you haven't relied on</p> <p>22 these systems as providing a bases for any of your</p>	<p style="text-align: right;">180</p> <p>1 Q Can you turn to the section of your report</p> <p>2 beginning at paragraph 173 on page 52?</p> <p>3 A Yes.</p> <p>4 Q And in that section through -- I guess it's</p> <p>5 paragraph 179, that's a discussion relating to the</p> <p>6 TV/2 system; is that correct?</p> <p>7 A Yes.</p> <p>8 Q Now this TV/2 system, that was a search</p> <p>9 program; is that correct?</p> <p>10 A Well, I mean, its fundamental objective was</p> <p>11 to facilitate search. The documents that described</p> <p>12 TV/2 talk about ways of integrating that search with</p> <p>13 other things such as sales and service systems.</p> <p>14 Q But TV/2 -- the TV/2 system that you rely</p> <p>15 on for your opinions as sold by IBM, that was just a</p> <p>16 search program, right?</p> <p>17 A Well --</p> <p>18 MS. STOLL-DEBELL: Objection, form.</p> <p>19 THE WITNESS: -- I -- I'm -- I don't think</p> <p>20 that's an accurate characterization. For example,</p> <p>21 if you look at paragraph 178, TV/2 was designed to</p> <p>22 store multiple tech- -- technical documents such as</p>